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## DECEMBER MEETING, 1901.

THE stated meeting was held on Thursday, the 12th instant, at three o'clock, P. M.; the President in the chair.

The record of the November meeting, the list of donors to the Library, and a letter from Mr. William J. Ashley of the University of Birmingham, England, in acknowledgment of his election as a Corresponding Member, were read.

The Cabinet-Keeper called attention to the original portrait, by Smibert, of Chief Justice Samuel Sewall, which was bequeathed to the Society by the late Miss Henrietta B. Ridgway, of Boston, a descendant from Judge Sewall.

The PRESIDENT then said that, by direction of the Council, he submitted the following letter, which explained itself:—

BOSTON, Dec. 12, 1901.

MY DEAR MR. ADAMS,—Permit me to have the pleasure of presenting to the Massachusetts Historical Society, through you, a marble bust of my father, W. W. Story. This bust was modelled by my father, of himself, in Rome, Italy, in the year 1887.

I believe I am correct in stating that he was a Corresponding Member of the Society from 1869 to his death.

Believe me dear Mr. Adams,

Very sincerely yours,

WALDO STORY.

The President added: Some five years ago, when I was last in Rome, Mr. Story one day expressed to me a wish to place the bust of his father, above referred to, in the Memorial Hall at Cambridge, among the mementos of other distinguished sons of the University of which he was a graduate. I at once told Mr. Story it would give me, as a member of the Harvard Board of Overseers and a former friend of his father, great satisfaction to do anything in my power to forward his wish. Accordingly, I wrote to President Eliot; in due time President Eliot replied that it would afford the President and Fellows of the University much pleasure to comply with Mr.

Story's suggestion. A year or two later, it will be remembered, Mr. Story gave this Society a large amount of unpublished manuscript correspondence of his grandfather, Judge Story, including valuable original letters from a number of the eminent American public men of the first half of the century. This gift was announced to the Society by Mr. Smith, at the October meeting of 1900, and a large portion of the letters thus presented have since appeared in our volumes of Proceedings. In forwarding to Mr. Story a copy of the serial containing the published letters, I wrote to him that the Historical Society would be grateful if he could present a bust of his father to it also, as well as to Harvard University, as it seemed eminently proper that we should have something from the chisel of one whose name had so long been borne on our rolls. Mr. Story is now in this country; and, in compliance with the suggestion thus made to him, the bust referred to in the foregoing letter has been received.

The Council has caused the following votes to be prepared, and recommend their passage by the Society:—

*Voted*, That the grateful thanks of the Society be conveyed to Mr. Waldo Story for the generous gift of the marble bust of his father, William Wetmore Story, formerly a Corresponding Member of the Society; and that the Council cause the same to be placed in a suitable position in the building.

*Voted*, That a copy of the foregoing vote be forwarded to Mr. Story by the Corresponding Secretary.

It would seem proper that a more definite appreciation of William W. Story and his work should at this time and in this connection appear in the Proceedings of the Society. There is, however, but one of our Resident Members qualified in every way to perform that task. My reference, of course, is to Professor Norton, who, it so chances, is unable to be here to-day. I shall therefore communicate with Professor Norton, and endeavor to secure his attendance at our next meeting with a view to his then placing upon our record a suitable recognition of this very welcome and most appropriate gift. Meanwhile I shall merely say that W. W. Story, as his son in his letter says, was elected a Corresponding Member of this Society at its January meeting in 1869. His death was announced at the October meeting 1895. His name was,

therefore, upon our roll over twenty-six years. During that time, so far as I am aware, Mr. Story made but one direct contribution to our Proceedings,<sup>1</sup>—an extremely interesting metrical tribute to the late George Stillman Hillard. So far as I am aware, this contribution is in our record of Proceedings wholly exceptional in its character, and to me it strikes a peculiar and very touching note. In it a great number of those who were more or less contemporary with William W. Story, all of them distinguished, and nearly all members of this Society, are fittingly recalled. Most of them I myself remember; every one of them I believe is now long since dead.

I here leave the subject with a hope that, at our next meeting, we may hear further from Professor Norton in connection with it.

The votes proposed by the Council were adopted.

Mr. Samuel Lothrop Thorndike, of Weston, was elected a Resident Member; and Signor Pasquale Villari, of Florence, Italy, was elected an Honorary Member.

Mr. WORTHINGTON C. FORD spoke briefly of the very high cost of early books relating to American history, and of the impossibility for this Society to compete for them in the book auctions.

Mr. GAMALIEL BRADFORD made some remarks upon the new work of Mr. Andrew McFarland Davis upon Banking and Currency in the Province of Massachusetts Bay. In emitting bills of Public Credit, the first instance of such action by any government outside of China, they made the same mistake which has been made in every instance since, except one,—that of confounding debt and currency. They wished to borrow capital for enterprises, and being nearly in a state of barter, they wished to provide a medium of exchange. If they had issued just enough paper money for this purpose and kept the amount down by a funded debt even at high rates of interest, they might have accomplished both purposes. They did try to make the same instrument serve both purposes with resulting disaster and bankruptcy.

The next instance was that of our old confederation of States. There was no government which could create a

<sup>1</sup> Proceedings, vol. xix. pp. 346–348.



By the HONOURABLE the  
**COUNCIL**  
Of His Majesties Province of the *Massachusetts-Bay* in *New-England*.  
A Proclamation.

**W**HEREAS in the Royal Charter Granted by King WILLIAM and Queen MARY for Incorporating Their Subjects of the Colonies Enumerated in the said Charter, into One Real Province by the Name of the Province of the Massachusetts-Bay in New-England ; Provision is made for the Devolution of the Government upon the COUNCIL, in these Words, That is to say ; "And we do by these Presents, for Us, Our Heirs and Successors Constitute and Ordain, That when and as often as the Governour, and Lieutenant or Deputy Governour of Our said Province or Territory, for the time being, shall happen to dye, or be displaced by Us, Our Heirs or Successors ; or be absent from Our said Province ; and that there shall be no Person within the said Province, Commissioned by Us, Our Heirs or Successors, to be Governour within the same : Then, and in every of the said Cases, the Council or Assistants of Our said Province shall have full Power and Authority ; and We do hereby Give and Grant unto the said Council or Assistants of Our said Province, for the time being ; or the major Part of them, Full Power and Authority to do and execute all and every such Acts, Matters, and Things which the said Governour or Lieutenant or Deputy Governour of Our said Province or Territory, for the time being, Might or Could lawfully do or exercise, if they or either of them, were Personally Present ; Until the Return of the Governour, or Lieutenant or Deputy Governour so absent ; Or Arrival, or Constitution of such other Governour, or Lieutenant or Deputy Governour, as shall and may be Appointed by Us, Our Heirs and Successors, from time to time.

And Whereas the Six Months from the Demise of Her late Majesty Queen ANNE, Limited by the Parliament of Great Britain, for continuing Civil and Military Officers in their respective Offices, Places, and Employments ; Expired the first day of this instant February. And Whereas by reason that there is no Person within the said Province, Commissioned by Our Sovereign Lord King GEORGE, to be Governour within the same ; the Government is now devolved upon the Council, and they are Obliged to undertake the Administration thereof, in Obedience to the Constitution of the said Charter, and for the Welfare and Safety of His Majesties Subjects within this Province ; Until His Majesties further Pleasure be Known :

**P**ursuant therefore unto the Power and Authority to us Granted as aforesaid ; We have thought fit and Necessary to issue and publish this Proclamation, and We do in His Majesties Name Require all Officers Civil and Military within this Province, that have Qualified themselves by taking the Oaths Appointed in and by the aforesaid Act of Parliament, To attend the Duty, and Use and Exercise the Powers and Authorities to their Respective Offices, Places and Employments belonging, Until further Order. And all His Majesties Loving Subjects are Required, in His Majesties behalf, to be Aiding, Helping and Assisting, at the Commandment of the said Officers, in the discharge of the Duty of their Respective Places and Employments, as they and every of them tender His Majesties Displeasure, and will answer their Neglect at their Peril.

Given at the Council Chamber in Boston, the Fourth day of February, in the First Year of the Reign of Our Sovereign Lord, GEORGE, by the Grace of GOD of Great Britain, France and Ireland KING, Defender of the Faith, &c. Annoque Domini, 1714.

By Order of the Council,

Isaac Addington, Secr.

William Tailer

Edward Bromfield	Wait Winthrop
Samuel Appleton	Elisha Hutchinson
Haac Winslow	Samuel Sewall
Benjamin Lynde	Joseph Lynde
John Clark	Eliakim Hutchinson
Addington Davenport	Penn Townsend
Thomas Hutchinson	John Appleton
	John Higginson
	Andrew Belcher

**GOD Save the King.**

funded debt or obtain either men or money except by the voluntary action of the States. Of course their legal tender paper plunged rapidly into the abyss of bankruptcy.

The French Revolution confiscated eight hundred millions of dollars worth of landed property belonging to the church and the nobles. If they had used this as a pledge for an organized funded debt on which they needed only to pay the interest, and so kept down the paper money, they might have weathered the storm. But the only thing they knew how to do was to offer the lands for sale, payable in assignats, which of course was a complete failure.

Soon after England entered upon a twenty years' war with all Europe. She made the Bank of England note, practically if not in form, a government legal tender, and relied wholly upon it for money. During the whole period it never fell below fifteen per cent discount, and specie payments were resumed in four years after the battle of Waterloo. This great result was obtained by selling the funded debt at fifty cents on the dollar, — in other words, keeping debt and currency entirely separate.

Coming to our Civil War, we find that at the outset the supply of money was wholly insufficient for carrying on the war. The first one hundred and fifty millions of greenbacks were a necessity, and if the amount had been kept down by selling bonds at the market value, would have done no harm. But Mr. Chase made the same old mistake of trying to kill two birds with one stone, and preferred to pour out inconvertible paper rather than sell bonds below par, till Congress refused to go beyond four hundred and fifty millions. The result was that the greenback sunk to about one-third of its face value, and foreigners bought at about forty-five per cent bonds which were selling at par at home.

Mr. WORTHINGTON C. FORD then communicated the following paper: —

*The Governor and Council of the Province of Massachusetts Bay,  
August, 1714—March, 1715.*

On August 1, 1714, Queen Anne died, after an illness which made her last years a period of unrest and court intrigue. In the Province of the Massachusetts-Bay this unrest had been reflected in the long and active administration of Governor Joseph Dudley. The discontent in the Province against Dud-

ley had increased, and many influences were brought to bear to obtain his removal. The Queen's favor leaned towards the man who had played the courtier so well; but the Queen's ministers were suspected of entertaining serious designs upon the political affairs of Massachusetts. Pressure had been quietly exerted to test the prospects of securing a governor other than Dudley. Ashurst, who was wise in his counsel and knew the trend of public affairs in England, wrote on August 10, 1714, to Increase Mather: "I am of opinion you cannot be better than you are at present; if you should have a new one [governor] you must expect it to be a necessitous person. Certainly you have reason to expect more advantages from one that is born among you than from a stranger to your constitution." He must have realized that in the times of Walpole and Marlborough, when public offices were openly bought and sold, the governorship of Massachusetts was not likely to escape a change for the worse. The prediction that a new appointment would lower the existing standard of merit was soon to be verified to the full, in the person of the colorless Elizeus Burges.

The London Gazette of July 31—August 3, 1714,<sup>1</sup> announced the death of the Queen and the proclaiming George King. The friends and agents of the colonies, and merchants having commercial connection with them, would seek to give early information of these important events, and two vessels reached Boston in the middle of September, after a very fair run of about six weeks. The General Court was not in session, but the Governor met the Council and

"His Excellency intimated to the Council That by a Ship arrived yesterday from Great Britain and another from Ireland & Letters & Prints brought by them there is advice of the Death of our late Sovereign Lady Queen Anne of blessed memory and the accession of the High & Mighty Prince George Elector of Brunswick Lunenburgh to the Throne but not having authentick intelligence thereof he could not do his duty on that occasion untill further advice thereof, or order for the same."<sup>2</sup>

His doubts continued only a day, when another vessel arrived confirming the account, and bringing the London

<sup>1</sup> A copy of this issue is in the Boston Athenæum. The leading intelligence was republished in the Boston News-Letter, September 20–27, 1714.

<sup>2</sup> Council Minutes, September 16, 1714.

Gazette in evidence. It may be suggested that Dudley's willingness to act was increased by his desire to retain office. It was an emergency to which he was equal, and he has found a good defender in Governor Hutchinson, a man who was also prompt and courageous under danger: "The propriety of proceeding without express orders has been questioned; but the absurdity of acts of government, in the name and by authority of a prince, for months together after certain intelligence of their demise, has generally influenced the governors to proceed."<sup>1</sup>

"His Excellency communicated to the Council the London Gazette from the 31<sup>st</sup> of July to the 3<sup>d</sup> of August past brought by the ship Mary, Thomas Lethered Master arrived this day from Great Britain, wherein is contained an account of the death of our late Sovereign Lady Queen Anne of blessed memory, And a Proclamation issued by order of the Right Hon<sup>ble</sup> the Lords of the Privy Council publishing and proclaiming That the H<sup>igh</sup> & Mighty Prince, George Elector of Brunswick Lunenburgh is now by the death of our late Sovereign of happy Memory, become ou only lawfull & Rightful Liege Lord George by the Grace of God King of Great Britain France and Ireland Defender of the Faith &<sup>ca</sup>

"The s<sup>d</sup> Master Lethered also made oath That he was present at the Publishing of the s<sup>d</sup> Proclamation in Canterbury & afterwards at Ramsgate.

*Ordered*, That Circular Letters be expressed to the Members of the Council in the several parts of the Province to give their attendance in Council at the Council Chamber in Boston on Wednesday the Twenty second of September currant to attend the solemnity of Publishing the s<sup>d</sup> Proclamation.<sup>2</sup>

Before the Council had met further measures were laid for observing in due form the solemnity of the occasion.

*Ordered*, That Penn Townsend Esq<sup>r</sup> & M<sup>r</sup>. William Payne take care to provide & lay in wine & other necessaries at the Council Chamber for the Entertainment of the Governor Council & other Gent<sup>a</sup> that shall attend the solemnity of Proclaiming His Majesty King George on Wednesday next the twenty second currant, to be performed at twelve a clock A. M.

"And a Dinner for the Governor and Council &<sup>ca</sup>, And Candles for illuminating the House in the evening.

<sup>1</sup> Hutchinson, History, II. 190.

<sup>2</sup> Council Minutes, September 17, 1714.

"Also to provide Bread & Wine for the Refreshment of the Troops & Soldiers that are command<sup>d</sup> to attend the s<sup>d</sup> solemnity.

"Ordered That a Funeral Sermon be preached on the Death of Her late Majesty Queen Anne of happy memory upon Thursday the 23<sup>d</sup> Currant at the Publick Lecture in Boston the day following the Proclamation of His Majesty King George.

"The Governour & Council then to go into mourning."<sup>1</sup>

The News-Letter adds a little to our information : —

"On the 15th Currant, in Letters and Prints brought by Two Vessels arriving here, one from Great-Britain, and the other from Cork in Ireland, we received the Sorrowful News of the Death of Our Late Most Gracious Sovereign Lady Queen ANNE of Blessed Memory, And of the Accession of the Most High and Mighty Prince GEORGE, Elector of Brunswick Lunenburg, to the Crown of Great Britain &c. Which News was confirmed by the London Gazette from the 31st. of July to the 3d of August past, brought in a Ship from Great Britain arriving the 17th Currant, in which Gazette, we have also the Proclamation of His Majesty accordingly, on the First of August. Whereupon His Excellency the Governour and Council have Determin'd with all possible Solemnity to Publish the said Proclamation here on Wednesday next the 22d Currant."<sup>2</sup>

There is a characteristic entry in Judge Sewall's Diary on the receipt of the news : —

"Friday, 7<sup>th</sup> 17. p. m. News was brought to us of the Queen's death as we sat on the Bench. Chapman told it to Mr. Corwin ; and he standing up with a very sad countenance said to me, Sad News ! I was afraid Boston was burnt again. Mr. Sparhawk and 2 other Gentlemen brought it. After the Court's Adjournment *sine die*, went and discoursed Mr. Sparhawk at his house."<sup>3</sup>

The proceedings attending the proclaiming of the new ruler were detailed in the News-Letter : —

"On the 22d Instant in the morning, The Funeral Obsequies of our late most Gracious Sovereign Lady Queen ANNE of Blessed Memory, were Celebrated by the Discharge of Eighty Eight Guns at His Majesty's Castle William, a minutes distance betwixt Gun and Gun,

<sup>1</sup> Council Minutes, September 20, 1714. The cost of the wines, brandy, biscuit and other expenses for the celebration of the 22<sup>d</sup>, was 27 pounds, 1 shilling, and 9 pence.

<sup>2</sup> Boston News-Letter, September 13-20, 1714. The bearers were "John Beach [Ship York Merchant] from Cork and Thomas Lethred Ship Mary from London."

<sup>3</sup> Diary of Samuel Sewall, III. 19. The writer was then at Mount Hope.

according to His Excellencies Order of the 20th Currant: On which said 20th Day, the Governour and Council also passed an Order for the Preaching a Sermon on that Solemn Occasion at the Public Lecture on the Thursday following. And the Governour and Council then to go into Mourning

“ Wednesday last being the Day appointed by His Excellency the Governour and Council for Proclaiming the Most High and Mighty Prince GEORGE Elector of Brunswick-Lunenburg, King of Great-Britain, France and Ireland, &c. About Eleven of the Clock His Excellency came hither from Roxbury, attended with the Troop of Guards and another Troop of Horse, and was met at the Town-House by the Honourable the Lieutenant Governour, Gentlemen of the Council, and a great Number of other Gentlemen, Merchants, &c. The Regiment of the Town, and another Regiment of Foot being drawn up under Arms on the Parade in Kings-Street before the Town-House, The Balcony of the Council-Chamber being Hung with Scarlet Cloth, at Twelve a Clock His Majesty was accordingly Proclaimed with loud Acclamations and the utmost Demonstrations of Joy, His Excellency the Governour, the Honourable Lieutenant Governour and Council, many of the Representatives of the General Assembly, Justices of the Peace, a great number of Ministers, Gentlemen and Merchants (besides a very great concourse of People) Assisting and Attending during the whole Solemnity, in token of their Joyful Subjection and Allegiance to his Majesty, their great Affection to His Person and Government. Immediately after Ending the Proclamation, The Two Troops of Horse, and the Regiments of Foot Discharged Three Volleys, and then on a Signal giv’n His Majesties Castle on Castle Island, and the Two Batteries in the Town Fired Three Rounds of all their Artillery, which was followed by all the Ships and Vessels in the Harbour; The Bells of the Town Ringing at the same time. At Two a Clock His Excellency the Governour, Lieutenant Governour, Council, with a Number of Gentlemen and Officers Dined Publickly; and Returned in the Evening to the Council Chamber and there Drank a Health to His Majesty, the Prince, all the Royal Family, and the Regency, &c. The Town-house, and several Principal Streets being finely Illuminated beyond what ever was known in the English America.

“ It pleased GOD of His Great Goodness to give a plentiful Rain on the Night and Morning following, after a very severe Drought of several Months.

“ On Thursday last the 23d. Currant, the Reverend Doctor *Cotton Mather* Preach’d a very good sermon from these words, *Isaiah vi. 1. In the year that King Uzziah died, I saw also the Lord Sitting upon a Throne, High and Lifted up, and His train filled the Temple.*

"On the Evening of the said Day Mr. *Jonathan Belcher*, A Gentleman who had been Twice at the Court of Hanover, on the Occasion of His Majesty *KING GEORGE's* Accession to the Crown, and being Proclaimed, made a very Splendid Entertainment for His Excellency the Governour and Council, with a great many other Gentlemen, at his House in Hanover Street, where were Drank His Majesties Health, The Prince, Royal Family, &c. the House being all over very finely Illuminated."<sup>1</sup>

Again does Sewall add a few details, and he is never more interesting than when a little disgruntled:—

"7<sup>r</sup> 22. Midweek; Proclaim'd; and took the Oaths. Din'd at the Green Dragon. Dr. Mather crav'd a Blessing; Mr. Pemberton return'd Thanks. I ask'd the Gov<sup>r</sup> if he had Business for the Council; He said No; so I went home, not going up into the Council-Chamber.

"7<sup>r</sup> 23. It seems Mr. Jonathan Belchar makes a great sup<sup>r</sup>, at which were the Gov<sup>r</sup>, Andrew Belchar esqr, Jn<sup>o</sup> Higginson Esqr, Penn Townsend esqr., Addington Davenport esqr., Benjamin Lynde esqr., John Clark esqr. Thomas Hutchinson esqr. Nath<sup>l</sup> Norden esqr. Winthrop, Elisha Hutchinson, Addington, Sewall, Eliakim Hutchinson, Bromfield, nor the Lieut. Gov<sup>r</sup> were not there, nor invited any of them that I know of; nor any warning of a Council: This I knew not of till the Lord's-day after."<sup>2</sup>

The language of loyalty was severely strained in the tributes to the memory of the Queen. Mather in his sermon naturally dwelt upon the religious aspect of the time, giving a sound thump to Arianism and a sly reference to French blasphemy. Her Majesty's zeal for the Protestant succession was the one feature he emphasized of a reign "which had Glories in it, that will fill many Pages in the *British annals*; and be the Discourse and Wonder of the *Future ages*. Yea, there were many Transactions in it that will *never be forgotten*." And he continues through thirty-seven pages with a plenitude of capitals and italics that must have severely strained the resources of the printing-office. Sewall, writing to Ashurst, speaks of the awful news: "It put us to Grief to hear that our Liege Lady, from whose Supreme Authority we receiv'd our Breath and Speech, was Her self become Speechless."

To this point the only intelligence from England had come

<sup>1</sup> Boston News-Letter, September 20-27, 1714.

<sup>2</sup> Diary of Samuel Sewall, III. 20.

through unofficial notes and through the London Gazette. The routine of an executive department required some time for framing the proper notices. The nature of the proclamation to be issued had been outlined some years before, when the act of succession had led to precautions against disturbances or disputes in the time of a change in the head of the State. By an act passed in the sixth year of Queen Anne, entitled an "Act for the security of her Majesty's person and government, and of the succession to the crown of Great Britain in the protestant line," it was enacted, that no office, place or employment, civil or military, within the kingdoms, islands or plantations, belonging to her Majesty, should become void by reason of the demise or death of the sovereign; but every person, in any of the offices, places, and employments aforesaid, should continue in their respective offices, places, and employments for the space of six months next after such death or demise, unless sooner removed or discharged.<sup>1</sup>

On August 5 the Lords Justices issued a proclamation accordingly, and the words of the law were closely followed, so as expressly to include under their provisions the offices in the American plantations. On August 6 representation was made from the Board of Trade to the Lords Justices, with the draught of a proclamation for proclaiming King George in New England. Five days later the necessary forms had been complied with, and a circular letter to the colonies had been approved. These papers have very courteously been sent to me by Mr. B. F. Stevens, from the English Public Record Office, and are as follows:—

B. T. New England, Vol: 42. p. 493.

[1714 August] 6      Representation to the Lords Justices,  
with the draught of a Proclamation fill'd  
up for Proclaiming King George in the V: Plant<sup>ns</sup> Gen<sup>l</sup>:  
Massachusetts Bay, for their Excellen-  
cies Approbation.  
Representation to the Lords Justices,  
with the Draught of a Proclamation  
fill [sic] up for Proclaiming King V: Plant<sup>ns</sup> Gen<sup>l</sup>:  
George in New Hampshire for their  
Excellencies Approbat<sup>n</sup>.

<sup>1</sup> 6 Ann. c. 41.

- 11 Circular Lett<sup>r</sup> to the Gov<sup>r</sup> of N. Eng-  
land with Orders from the Lords Jus-  
tices for Proclaiming King George in Vide Plant<sup>n</sup> Gen<sup>l</sup>  
the Provinces of y<sup>e</sup> Massachusets Bay &  
New Hampshire.

B. T. Plan<sup>n</sup> Gen<sup>l</sup> Vol: 38. p. 52.

1714 August the 6<sup>th</sup> Whereas it hath pleased Almighty God to call to his Mercy our late Sovereign Lady Queen Anne of blessed Memory, by whose Decease the Imperial Crowns of Great Britain, France and Ireland as also the Supreme Dominion and Sovereign Right of the Island of *Barbados* and all other her late Majesty's Dominions in America, are Solely and Rightfully come to the high and Mighty Prince, George, Elector of Brunswick-Lunenburgh. We therefore the *President and Council of Barbados*, with Numbers of other the Principal Planters and Inhabitants of this *Island*, Do now hereby with one full voice and consent of Tongue and Heart, Publish and Proclaim, that the High & Mighty Prince George Elector of Brunswick Lunenburgh, is now by the Decease of Our late Sovereign, of happy Memory, become Our only Lawful and Rightful Liege Lord, George, by the Grace of God, King of Great Britain, France Ireland, Defender of the Faith, Supreme Lord of the *Island of Barbados*, and all other her late Majesty's Territories & Dominions in America &c. To whom We do acknowledge all Faith and constant Obedience, with all hearty & humble Affection: Beseeching God by whom Kings & Queens do Reign, to Bless the Royal King George with long & happy Years to Reign over Us. Given at, &c.

God save King George.

For Nova Scotia . . instead of the Words underlined, was inserted the following Words — *the Gov<sup>r</sup> or Commander in Chief, being here assisted with the Officers of the Garrison of Annapolis Royal, and with Numbers, &c.*

Newfoundland . . . . *the Commander in Chief of the Forces at Placentia being assisted with the Officers of the Garrison here & with Numbers &c.*

Rhode Island & Connecticut } *The Gov<sup>r</sup> and Company of the said Colony being assisted with, &c*

Virginia . . . . *The Deputy Gov<sup>r</sup> Council, with Numbers, &c*

Pensylvania and Bermuda } *The Lieu<sup>t</sup>. Gov<sup>r</sup> & Council, with Numbers, &c*

The rest were all alike, Except necessary Alterations of Island, Province or Colony — with the Addition of (Territories depending thereon) where necessary.

B. T. Plan<sup>s</sup> Gen<sup>l</sup> Vol. 38. p. 54.

1714

August the 11<sup>th</sup>  
[sic]

At the Council Chamber, S<sup>t</sup> James's,  
the 10<sup>th</sup> of August 1714.

Present,

Their Excellencys the Lords Justices  
in Council.

An Order from  
the Lords Jus-  
tices, Approving  
ye Draughts of a  
Proclamation for  
Proclaiming his  
Majesty King  
George in the  
Respective Plan-  
tations in  
America, &c.

Upon reading this day at the Board a Report from  
the Lords Commissioners of Trade and Plantations,  
with Draughts of a Proclamation properly filled up  
for Proclaiming His Majesty in the respective Plan-  
tations in America: Their Excellencys in Council  
Approving the Same, were pleased to Order, that the  
Said Lords Commissioners of Trade do take care for  
the Speedy Conveyance of the said Draughts with  
Letters from the Privy Council to the respective Plan-  
tations by the two Vessels Appointed for that purpose.

CHRISTOP<sup>R</sup>. MUSGRAVE.

B. T. Plan<sup>s</sup> Gen<sup>l</sup> Vol: 38. p. 56.

1714

August the 11<sup>th</sup>

To Col: Dudley, Gov<sup>r</sup> of  
the Massachusets Bay.

Sir,

Circular Letter  
to all the Gov<sup>r</sup>s  
in his Majesty's  
Several Plant<sup>s</sup>  
in America,  
with the Orders  
from the Lords  
Justices, Ap-  
proving the  
Draught of a  
Proclamation for  
Proclaiming  
King George in  
their respective  
Governm<sup>t</sup>.

Inclosed you will receive an Order from the Lords  
of His Majesty's most Hon<sup>ble</sup> Privy Council, Notifying  
to you the Death of Our late Gracious Sovereign Lady  
Queen Anne, of ever blessed Memory, & directing you  
to proclaim the High and Mighty Prince, George Elec-  
tor of Brunswick Lunenburgh, King of Great Britain,  
France and Ireland, and of all the Dominions there-  
unto belonging, &c. Defender of the Faith, &c. We do  
earnestly recommend to you that you proceed without  
loss of time in the Execution of these Orders, and that  
His Majesty be accordingly proclaimed in the most  
Solemn manner and most proper Parts of Your Gov-  
ernment, and you are to return a Speedy Account of  
Your proceedings herein.

And whereas by an Act passed in the Sixth Year of  
her late Majesty's Reign Entituled, An Act for the  
Security of Her Majesty's Person and Government,  
and of the Succession to the Crown of Great Britain  
in the Protestant Line, It is Enacted, "That the Great  
"Seal of Great Britain, the Privy Seal, Privy Signet,  
"and all other publick Seals in being, at the time of the

" Demise of Her Majesty, Her Heirs or Successors, Shall  
" continue and be made use of as the respective Seals of  
" the Successor, until Such Successor Shall give Order  
" to the contrary.

And for your further Information, We further enclose to you, the Lords Justices Proclamation for continuing all Officers in the manner therein mentioned. So We bid you heartily farewell, and are,

Your very loving Friends  
and humble Servants,

GUILFORD.

PHIL: MEADOWS.

ARTH: MOORE.

I: HYNDE COTTON.

I: SHARPE.

THO: VERNON.

Whitehall,  
Aug<sup>st</sup> 11<sup>th</sup> 1714 }

NB. The Paragraph about the Seals,  
was omitted to the Proprietary Governm<sup>t</sup>  
and to Nova Scotia and Newfoundland.

The General Court was to sit on September 15, but about the first of the month the Governor issued a proclamation proroguing the session to October 20, because of the harvest and the absence of any business demanding attention. The death of the Queen made a meeting expedient, and on the advice of the Council circular letters were written to the Sheriffs of the several counties, that they notify the members of the House of Representatives for their respective counties to attend the Governor and Council at Boston on Wednesday, September 29.

The General Court of Massachusetts-Bay, thus summoned to a special session, sat from September 29 to October 2, when it was dismissed, but passed no acts. The purpose of the session was to administer the oath of allegiance and adopt an address to the new king. The letter and proclamation of the Lords Justices had not reached America, so the Governor was still without positive orders in the matter. In the course of the short session of the General Court, Dudley, or his friends, took a somewhat interested step to continue his control of the government according to a more regular and authorized fashion. An address to the King was proposed. Sewall says on this point:—

"Octob<sup>r</sup> 1. Rains hard, went not to Council. Had something of a Flux: and tis not agreeable to me that th<sup>e</sup> Court should meet before the 20<sup>th</sup> Inst, the day they were Prorogu'd to. I fear the precedent will be bad. And I find it difficult to intermeddle in Addresses. In the eveuing Cousin Quinsey calls, sups and tells me the proceedings of their House upon the Council's sending to them to join in a Committee, B. Lynde, Clark, Davenport to Address the King to continue the Gov<sup>r</sup> L<sup>t</sup> Gov<sup>r</sup>, and Secretary in their Posts. Non-concur'd. Sent again from the Board. Mr. [John] Pierce of Woburn brought it in again, saying the Deputies would not Reconsider it. Then the Gov<sup>r</sup> told the Council they intended Good: but now they should be Hurt by it: were white paper before; but now were blotted. Call'd Mr. Secretary to him into the Closet, and then Capt. Belchar. Then adjourn'd the Council to Monday 2 p. m.; desired all to attend. . . .

"8<sup>r</sup> 4. Council meets Gov<sup>r</sup>; after other things past, opens the matter of the Address. Then Gov<sup>r</sup>, L<sup>t</sup> Gov<sup>r</sup>, Secretary withdraw. Council seemed unanimous that for them, 12 in n<sup>o</sup>, to do anything would be inconvenient; it having fallen when offer'd in the Gen<sup>l</sup> Court."<sup>1</sup>

It was as well that this proposition for an address failed, as on October 7 the formal notice from the Lords Justices arrived, and gave Dudley the full requisite powers in the premises.<sup>2</sup> Accordingly, on October 27 the Governor, with the advice of his Council, issued a proclamation, requiring all persons being in office of authority or government at the decease of the late Queen to proceed in the execution of their respective offices.<sup>3</sup> Writs in his Majesty's name were sent out, bearing date November 10, for calling a Great and General Court or Assembly to meet upon Wednesday the 15th of December, "that they might be in readiness to shew their dutiful obedience to His Majestys Commands."<sup>4</sup>

It should seem that the papers, letters, and testimony already received by the Governor would be sufficient to ensure Dudley a quiet possession of his office, until the intentions of the new ruler and his ministers towards the province had been defined. There was great impatience for further news, and for something from the King, under his signet or

<sup>1</sup> Diary of Samuel Sewall, III. 21, 22.

<sup>2</sup> The proclamation of the Lords Justices of August 5 was printed in the Boston News-Letter, October 11-18, 1714.

<sup>3</sup> A much mutilated copy of this proclamation is in the Boston Athenaeum.

<sup>4</sup> Council Minutes, December 6, 1714.

orders; and the next packet-ship was anxiously awaited — by the Governor, in the hope that his retention in office would be assured; by his opponents in the expectation that in a new distribution of offices something good would come their way.

Hutchinson asserts in his History (II. 190) that positive instructions to Dudley were sent from England but never reached port, for they were carried by the sloop "Hazard," which was lost upon Cohasset rocks on November 12, and not a soul was saved. Sewall, in his Diary, notes on November 15, "Town is full of the sad News of the Packet's being Cast away," but says nothing of the loss of despatches, a point on which he would hardly have been silent, had it been true. We learn from other sources that the papers were saved. The account of the wreck in the News-Letter was as follows:—

"On Friday night the 12th Instant, in a North-East Storm of Wind and Snow, the long-lookt for Packet-Boat, the Hazard, from White-hall, came on shoar at Conehasset, about Ten Leagues from this Place, all broken to Pieces, and every Soul lost, except one Man that we hear was left at Nantucket, for a Pilot they took on Board, which we hope to see, and give a further Account of in our next. The Papers that were taken up out of the Surff, or Sand and Snow, were brought to our Góvernour, and His Excellency the Last Post forwarded those to the several Neighbouring Governments."<sup>1</sup>

Dudley, in his account of these events, expressly stated that "on the 13th of November, the Góvernour, by an Express Pacquet from their Excellencies the *Lord Justices*, received Their Excellencies commands, with Letters and Commands also from the Right Honourable the *Board of Trade*, and Letters from the Secretary's Office, severally Importing Her Late Majesty's Death, and the Continuation of all Officers, &c." It is known that papers for Governor Hunter of New York were on the same vessel, but he complained that they were not what was formally required. "Not having received any directions from your Lordships or the present Ministry since his Majesty's happy accession to the Crown, except what was picked up from the wreck of the Hazard Sloop, I am at a loss what to write."<sup>2</sup> Dudley sought to obtain information from

<sup>1</sup> Boston News-Letter, November 15–22, 1714.

<sup>2</sup> Governor Hunter to the Lords of Trade, March 28, 1715, New York Colonial Documents, V. 399.

other directions, fortifying himself against the possible qualms of those who wished to see the termination of his rule.

"At the instance of General Nicholson, Peter Signiac Merchant & Endigo Petter Mariner severally declared upon oath That they were at Placentia in Newfoundland some time in September last when News arrived of the demise of Her late Majesty Queen Anne & the accession of the High & Mighty Prince George Elector of Brunswick Lunenburg to the Crown of Great Britain &c<sup>a</sup> & saw the solemnity performed of Proclaiming His Majesty & the Guns discharged at the Fort & on board the man of War then in Harbour." <sup>1</sup>

Even those papers did not quiet the opposition to Dudley, and he was obliged to take notice of it in Council meeting :—

"Monday, Xr. 6. The Gov<sup>r</sup> calls a council, and prorogues the Gen<sup>l</sup> Court to the 19th of January. Intimated that if no orders arrived, this Assembly might be in a rediness for the Election: If the Gov<sup>r</sup> falls he will fall upon the Lieut-Gov<sup>r</sup>; and who shall grant writts to call a New-Assembly; or if they doe, who will obey them? Col. Townsend said, An assembly had been called without a Gov<sup>r</sup> or Lieut. Gov<sup>r</sup>. I said I hop'd orders would arrive to prevent all Disputes. The News-Letter of this day mentions the Assembly's sitting Xr 15." <sup>2</sup>

Four days later, December 10, the King was again proclaimed in the Supreme Court with some formality, the Secretary of the Province explaining that there had been no General Meeting since the intelligence by the packet had been received. Sewall, sitting in the Court, gives an account of the occurrence :—

"Just before Dîñer, the Gov<sup>r</sup> and Council come in and take the Right-Hand, and the Court &c. the Left: Grand Jury had the seats at our end, Mr. W<sup>m</sup> Torrey, the Foreman, sat at the extremity of ours. Mr. Sheriff Read the Proclamation in his place, I think Gen<sup>l</sup> Nicholson desired it. Mr. Secretary having made the Introduction; Had not been any Gen<sup>l</sup> Meeting since received the Letters which the Packet brought: so did it at this Supream Court. Note. The King is styl'd the Supream Lord of the Massachusetts. We have had this to Ballance our Court's being Remov'd to December, that we have had the Honor of the King's being Proclaim'd in it." <sup>3</sup>

<sup>1</sup> Council Minutes, November 18, 1714.

<sup>2</sup> Diary of Samuel Sewall, III. 28.

<sup>3</sup> *Ibid.*, III. 29. The reference to the postponement of the court is explained in the Act on Writs and Processes, passed October 30, 1715.

The Council Minutes also refer to this ceremonious event:—

“The Superiour Court of Judicature for the Province being now sitting The Governour & Council removed into the Court Chamber with General Nicholson several Gentlemen attending them & the Judges, Jurors & other officers, Attorneys & a great concourse of people being present.

“The Proclamation of His most excellent Mat<sup>y</sup> King George, expressed by His Majestys Sloop the Hazard drawn up especially for this Province, was solemnly read & published by the High Sheriffe of the County, followed with loud acclamations of God save King George, & expressions of Joy & then subscribed by the Govern<sup>r</sup> Gen<sup>l</sup> Nicholson, the L<sup>t</sup> Gov<sup>r</sup>, Councillours Judges, Secretary, other officers civil & military, The Officers of His Majestys Ships of War & Gentlemen.”<sup>1</sup>

Could Sewall have been foremost in suggesting the necessity of definite orders from the new ministry? He was not a restful character under any conditions, and he was fertile in schemes for advancing his own interests. On December 18 he wrote to Jeremiah Dummer, “Must now be new comissions, do the best you can for us according to the Rules of God’s Word, Emergencies are to us unknown.”<sup>2</sup>

In the absence of other information, I am obliged to pass eleven days from the ceremony in the Superior Court, during which time the Secretary of the Province, Isaac Addington, fell into a sickness which not long after (March 19, 1715) proved fatal. On the last day of the year he met Sewall, and

“of his own Accord Talk’d to me, about the Circumstances of the Government; what should do, if no orders should come by the first of February: said, ought to think before hand; I consented with him and had some discourse. I desired to see the Letter about the president of the Council; and pray’d him to let me see the Act at large which continues commissions for half a year after the Queen’s death.”<sup>3</sup>

It is useless to attempt to determine whether Addington or Sewall, or others were the first to suggest some legal doubt on Dudley’s authority, and to urge the charter or a legislative act in defence of their doubt. Upon the next day, New-Year’s day, a copy of the Queen’s order, dated May 3, 1707,

<sup>1</sup> Council Minutes, December 10, 1714.

<sup>2</sup> Sewall’s Letter Book, II. 39. In a note are given the lines Sewall wrote on proclaiming the King in September.

<sup>3</sup> Diary of Samuel Sewall, III. 33.

was shown by Addington to the Judge, and the last paragraph read as follows:—

“The Eldest Councillor who shall be, at the time of your death or absence, residing within our said Province of the Massachusetts Bay, shall take upon him the Administration of the Government, and execute our said Commission and Instructions, and the several Powers and Authorities therein contained, in the same manner, and to all intents and purposes, as other [either] our Gov<sup>r</sup> or Commander in Chief should or ought to do, in case of your absence, till your return; or in all cases until our further pleasure be known therein. So we bid you farewell.

“By Her Maj<sup>s</sup> Command.

SUNDERLAND.”

I have copied the instruction from Sewall’s Diary, but it was only a general instruction addressed to the governors of all the Provinces. That sent to New York opened a little differently: “Our will and pleasure therefore is that, that if upon your Death or Absence there be no person on the place commissionated by us to be Our Lieuten<sup>t</sup> Gov<sup>r</sup> or Commander in Chief, The Eldest Counsellor whose name is first placed in Our said Instructions to you, and who shall be at the time of your Death or Absence,” etc. These additional instructions were embodied in those issued to Governor Hunter, of New York, in February, 1714-15, but I do not find them in those issued in September, 1715, to Elizeus Burges, as Governor of the Massachusetts Bay.

In a Council Meeting held January 3, 1714-15, Dudley intimated a General Council to sit on the 12th, “to advise of the necessary affairs of the Government & for the appointment of Civil Officers.” So guarded an expression gave little indication of the exact nature of the business to come before the Council. The official record of the meeting was as follows:—

“It being the depth of Winter & difficult of travel & doubtfull by reason of the difficulty for shipping to seize the coast at this season of the year whether any commands from His Majesty may arrive for some time yet to come.

“Advised That His Excellency issue forth a Proclamation to declare the Great & General Court or Assembly summoned to convene the fifteenth of December past and prorogued to the nineteenth of Jan<sup>y</sup> currant to be dissolved.”<sup>1</sup>

<sup>1</sup> This proclamation is printed in the Boston News-Letter, January 10-17, 1714 [-15].

"His Excellency intimated another General Council to meet on Wednesday the 26<sup>th</sup> currant to consider & advise of the necessary important affairs of the Government."<sup>1</sup>

Sewall says the Governor mentioned the renewing of commissions, and the Judge wished to adjourn the Council until February 2, the very day of the expiration of the six months fixed by the Act of Parliament. By thus postponing the question the Council would have the right to name officers should it assume control. Dudley doubtless saw the purpose of the proposition, and named January 26 for the next meeting of the Council. The pulpit was often the centre of partisan political activity, and shadowed the uncertainty of the future. Both Pemberton and Colman in their lectures "pray God to continue the Gov<sup>r</sup>, if it may be."

January 26 came round, and the Council met. A question involving the continuance of the Governor in power arose, and for two days it was discussed. I quote from Sewall before taking the Council record:—

"Gov<sup>r</sup> offers a Proclamation to be voted to continue all Officers till the K[ing's] pleasure known. Mr. B. Lynde, Major Gen<sup>r</sup> [Wait] W[inthrop], Col. [Eliakim?] Hutchinson opos'd it. Consideration was desired till morning. Then it was Negativ'd; but 2 or 3 for it. I spake for it on Wednesday, saying it enter'd not into the Question act the 6 Moneths end. But now I voted with my Brethren, for I saw twas so worded as to tie up the hands of the Council from making any Alteration though the Government should be devolved on them next week."<sup>2</sup>

The Council Minutes for the proceedings of the two days on the proclamation are:—

"A Proclamation was digested requir<sup>d</sup> all persons in office of Authority or Government civil or military to proceed in the execution of their respective offices until His Majestys pleasure shall be known therein His Majestys commands referr<sup>d</sup> to the Government of this His Majestys Province not being yet arrived, the s<sup>d</sup> Proclamation being read and proposed to the Council for their advice some of the Members desired time for advisement thereon.

<sup>1</sup> Council Minutes, January 12, 1714 [-15].

<sup>2</sup> Diary of Samuel Sewall, III. 35.

"Whereupon His Excellency adjourned the Council unto to-morrow at ten in the morning.<sup>1</sup>

"The Proclamation offered yesterday referring to Persons in office of Authority or Governm<sup>t</sup> civil or military to proceed in the execution of their respective offices &c<sup>e</sup> was again read & the advice of the Council being asked thereon they did not advise thereto."<sup>2</sup>

Here Dudley rested his case, but the opportunity for decisive action on the part of the Council had come. As Sewall was in the very thick of the movement, his testimony is the best attainable.

"Thursday, February 1. As I was busy in signing Bills, Mr. [Edward] Bromfield came to me and desired me to go to the Major Gen<sup>l</sup> [Wait Winthrop] at Ten a-clock; they had some discourse yesterday at the Sessions, Several would be there. I got thither about 11., was the first and were but 4, in all, as I remember; Sewall, E[liakim] Hutchinson, Jos. Lynde, Mr. [Edward] Bromfield. Agreed to call as many as we could together at the Council-Chamber at 3. p. m. There met 12. viz. Mr. [Wait] Winthrop, [William] Tailer, Elisha Hutchinson, [Edward] Bromfield, [Isaac] Winslow, [John] Clark, [Addington] Davenport, Hutchinson Thomas, Mr. Secretary [Isaac Addington]. Col [Pen<sup>a</sup>] Townsend was at Roxbury to hear his son That preaches. Col. [John] Phillips came not over; <sup>3</sup> Mr. Commissary [Belcher] was indispos'd by the Gout. Col. [Benjamin] Lynde sent his son Phillips with the Letters; we had spoken of another. Mr. Bromfield had spoken to Flag to warn them. L<sup>t</sup> Gov<sup>r</sup> [Tailer], as I hear, enquir'd what the Major Gen<sup>l</sup> [Winthrop] had to do to warn a Council? When were together in the Closet, I mollified him] a little by saying we were not a council, but some Gentlemen of the Council met together upon an extraordinary occasion, which Mr. Tailer took up with, placidly; after a pretty deal of Talk, I motion'd that we might send to the Governour to enquire whether He had received any Orders; which was readily agreed to. At last, when I could shift it no longer, Sewall, Jo. Lynde, Davenport, Tho. Hutchinson went into the said Hutchinson's Coach. Got thither a little after Five, only the Governour's Lady was there; Mr. W<sup>m</sup> Dudley received us, and call'd the Gov<sup>r</sup>. After a-while I rose up, and began to do the Message, Gov<sup>r</sup> would have me sit down. The Message was this; May it please your Excellency, whereas the Six Months

<sup>1</sup> Council Minutes, January 26, 1714 [-15].

<sup>2</sup> *Ibid.*, January 27, 1714 [-15].

<sup>3</sup> Phillips later said "his heart was with us, but he was not well."

given by the Parliament of Great Britain, for continuing persons in their Civil and Military offices; do expire this day: These are humbly to enquire whether your Excellency has received Orders from our Sovereign Lord King George, enabling you to sustain the place of Governour of this Province longer? If you have no such Orders, we are of opinion that Authority is devolv'd upon His Maj<sup>s</sup> Council, by the direction of our charter; and that we are oblig'd in obedience thereunto, and for the welfare of His Majesties Subjects here, to exert ourselves accordingly. . . . The Governour's Answer was, I have received no Orders: and express'd an Aversion to enter into discourse. I said, If was out of the Province, this much more. Gov<sup>r</sup> said that was a Jest; might be out of the Province at a great distance, at Virginia, and yet give Orders in writing. Twas more to be at Casco-bay, than at New Hampshire. Drank to me, saying, Judge Sewall. 'Twas candlelight, went to the door and crav'd Excuse for not going to the Gate. And sent no body with us. . . .

"When return'd, found our Company Waiting for us. When we had related the Governour's Answer, and they perceived by his declining to argue the matter, he designed to hold his place, it put the Gentlemen to it. Col. Hutchinson said, There must be a Council call'd, all seem'd to be of that mind. Mr. Winthrop would have had the Secretary write Letters; but he [Addington] said, 'Twas no council, he could not doe it. I said Let us write and all subscribe. Mr. Winthrop was so knockt that he said it could not be done, if the Secretary declin'd. The L<sup>t</sup> Gov<sup>r</sup> and Secretary left us. At last resolv'd to Write, and writ Five letters; to Situate, Marble-head, Salem, Ipswich, Newbury. Gave the Northern Letters to Col. Lynde to send from Charlestown by an Express. Gave Capt. Cushin's to a Marshfield man whom Col. Winslow directed us to; he to pay him for how much he went out of his way. Time fix'd in the Letter sign'd by Ten, was two a-clock p. m. Febru. 3."<sup>1</sup>

February 3 came round, and at the Lecture Dr. Mather prayed for "them that had the Administration of the Government," mentioning neither the Governor nor the Lieutenant-Governor. In the afternoon the Council met.

"Had long debate, drew up votes to state the Question till I was weary. At last voted the Devolution; only 2 or 3 that did not vote. Then ordered 4. to acquaint the Gov<sup>r</sup> what was done; viz, Elisha Hutchinson esqr. Eliakim Hutchinson esqr. Penn Townsend Esqr. and Isaac Winslow, esqr. They went though the night was pretty well enter'd. Many of us stayed till they return'd: Gov<sup>r</sup> said [he] was not dead, nor out of the province. Adjourned to the morning.

<sup>1</sup> Diary of Samuel Sewall, III. 35-37.

" Friday, Febr. 4. Drew up a Proclamation; at my going to Diñer Col Hutchinson desired me to draw something, which I did, and twas agreed to with very little alteration.

" Note. I had said King William and Queen Mary of Blessed Memory, I pleaded when spoken to, They were our Founders. L<sup>t</sup> Gov<sup>r</sup> spake hard against it, unless the same was said for Queen Anne, so 'twas struck out.

" Mr. Secretary drew that in the English Letter: Mr. Secretary first drew, *till His Majesties Orders*; which Mr. B. Lynde and I oþos'd, as that which bound up our hands, from doing anything: so twas struck out. Publish'd it by Beat of Drum. Paper was sullied with the Rain. Mr. [Benjamin] Hiller read it, out of the Council-Chamber Gallery; Col. [Samuel] Checkley, Major [Thomas] Fitch, Capt. Abijah Savage &c. present. Dr. Cotton Mather could not be found, Sent for Mr. [Ebenezer] Pemberton, who was at Capt. Winslow's, and he pray'd with us. I should have noted, that Mr. Tailer contested the precedence with Mr. [Wait] Winthrop, seeing he had the Honor to sit at the Board as Lieut. Gov<sup>r</sup> and that the order of privy seal, a Copy of which he produc'd, was Dead. But the Council carried it for Mr. Winthrop *nemine Contradicente.*"<sup>1</sup>

The Council Minutes do not tell so plain a story, and do not hint at the hesitations of the Lieutenant-Governor or of the Secretary.

"At a Council Chamber in  
Boston upon Thursday the  
third of February 1714 [-15]

" Present in Council.

Wait Winthrop	John Appleton	Sam <sup>l</sup> Appleton
Elisha Hutchinson	John Higginson	Benj <sup>a</sup> Lynde
Sam <sup>u</sup> Sewall	William Tailer	John Clarke
Esq <sup>r</sup>		Esq <sup>r</sup>
Joseph Lynde	Andrew Belcher	Ad <sup>ton</sup> Davenport
E <sup>m</sup> Hutchinson	Edw <sup>d</sup> Bromfield	Tho <sup>s</sup> Hutchinson
Penn Townsend	Is <sup>a</sup> Winslow	Isaac Addington

" Whereas upon the first of this instant, the following message was sent to His Excellency Joseph Dudley Esq<sup>r</sup> by Samuel Sewall, Joseph Lynde, Addington Davenport & Thomas Hutchinson Esq<sup>r</sup> of His Majestys Council, from the Members of the Council then present, which were twelve in number being so many as could be at that time assembled the s<sup>d</sup> message being in these words That is to say.

<sup>1</sup> Diary of Samuel Sewall, III. 38, 39. This proclamation is printed pp. 357, 358, post.

" May it please your Excell<sup>y</sup>

" Whereas the six months given by the Parliament of Great Britain for conting<sup>s</sup> persons in their civil & military offices do expire this day; these are humbly to enquire whether your Excell<sup>y</sup> has received orders from our Sovereign Lord King George enabling you to sustain the place of Govern<sup>r</sup> of this Province longer.

" To which His Excellency was pleased to answer, I have received no orders.

" Which Message with the answer being now communicated to the Council, & debated & consider<sup>d</sup> the Question was then put, Whether the Government be devolved on His Majestys Council, according to the Powers granted in the Charter.

" Which was voted in the affirmative.

" Whereupon Elisha Hutchinson E<sup>m</sup> Hutchinson Penn Townsend & Isaac Winslow Esq<sup>s</sup> were imediately sent to wait upon His Excellency & acquaint him therewith."<sup>1</sup>

On the next day, February 4, the first entry in the Council Minutes reads:—

" Pursuant to a vote pass'd yesterday that the Governm<sup>t</sup> is devolved on His Majesty's Council according to the powers granted by the Charter."

The Proclamation, printed in our pages, was then prepared and issued. The members took the required oaths and framed a new one to meet the present circumstances:—

" Whereas for the present untill His Majestys pleasure be further known by the devolution of the Government according to the Royall Charter, full power and authority is granted to the Council of this His Majesty's Province to do & execute all & every such acts matters & things which the Governoour of this Province for the time being might or could lawfully do or execute, if he were personally present.

" You swear that you will well and truly discharge that trust accordingly, to the utmost of your power.

" So help you God."

With the Governor the Lieutenant-Governor fell, but the Secretary was continued in his office, as his commission had been accepted during all the last reign without any question as to its force. The clergy appear to have accepted the situation, for Sewall notes that on February 6 " no Gov<sup>r</sup> nor L<sup>t</sup> Gov<sup>r</sup> mentioned in our publick prayers."

<sup>1</sup> Council Minutes, February 3, 1714 [-15].

Thus did the Council take charge of the government, and at once planned to enjoy the perquisites which may come from the distribution of office. That the members were not entirely free of doubts may be surmised from their efforts to quiet any possible question as to their agents.

"For the avoiding of doubts and Questions moved by and relating to Persons in office of authority or Government at the time of the decease of Her late Majesty Queen Anne since the expiration of the six months limited by the Parliament of Great Britain for their continuance.

And to the intent there be no failure in the present administration of the Governm<sup>t</sup> for the protection and welfare of His Majesty's subjects

*Ordered*, That Commissions be made out in the name of His present Majesty our Sovereign Lord King George to the Justices of the Superior Court of Judicature and Assize the Justices of the respective Inferior Courts of Common Pleas the Justices of the Peace and other civil officers."<sup>1</sup>

When a new commission, under these orders, was offered to William Dudley, the son of the Governor, to be a sheriff, he twitted them with the fact that he already had such a commission from the Governor and Council, and saw no reason for taking another. Further, "with a little seeming banter," he said his had a seal, while that offered by the Council had none. Yet the Council had ordered the public seal of the Province to be affixed to the commissions issued by its direction,<sup>2</sup> and that given to Wait Winthrop, as Chief Justice, dated February 18, 1714-15, certainly does have a seal.<sup>3</sup> For his pleasantry Dudley was superseded, and William Payne was appointed under the Province seal.<sup>4</sup>

The Council was in fact a very inept body, quite unsuited to accomplish an end in a direct manner. Composed of a number of able men, any one of whom would have made a respectable Governor, it was helpless when a definite statement was to be made or policy to be outlined. Each member had his suggestion, and so the proceedings were given over to discussion and refinements of language. Two incidents illustrate this weakness.

<sup>1</sup> Council Minutes, February 16, 1714 [-15].

<sup>2</sup> *Ibid.*, February 18, 1714 [-15].

<sup>3</sup> Massachusetts Historical Society Collections, 6th Series, vol. v. pp. 303-305.

<sup>4</sup> Council Minutes, February 19, 1714 [-15].

In due course the English authorities must be notified of the change in the control of the administration of the Province. Early in February the beginnings were made by the appointment of a committee : —

Ordered that a draught of a Letter be prepared to one of His Majestys Right Hon<sup>ble</sup> Principal Secretaries of State, advising of the Council takeing upon them the present Administration of the Government untill His Majestys pleasure be known therein ; with the reasons thereof contained in the Proclamation put forth by them to be humbly presented to His Majesty.

And another Letter of the like import to the Right Honorable the Lords Commissioners for Trade and Plantations, both to be covered to M<sup>r</sup> agent Dummer to be by him presented accordingly.

And that Samuel Sewall Benj<sup>a</sup> Lynde Esq<sup>n</sup> & the Secretary be a Committee to prepare the Draught of the s<sup>d</sup> Letters accordingly to be laid before the Board at their meeting appointed the 16 curr<sup>t</sup> for their approbation." <sup>1</sup>

The letter was long in preparing, and does not appear to have been sent out of the country.

BOSTON in New England March the 2<sup>d</sup> 1714.

Right Honourable

May it please your Lordships.

The Six Months from the Demise of Her late Majesty Queen Anne of Blessed Memory Limited by the Parliament of Great Britain for continuing of Civil and Military Officers in their respective Offices, Places and Employments, Expiring the First of February past and no Order arriving from His present Majesty for their further and longer continuance therein, so that there being no Person within this Province Commissionated by our Sovereign Lord King GEORGE to be Governour within the same, The Council were humbly of Opinion That according to the Constitution of the Royall Charter Granted by their Majesties King William and Queen Mary of Blessed Memory, The Government was devolved upon the Council and they held themselves oblidged to undertake the Administration thereof In Obedience to the Constitution of the Charter For the Welfare and Safety of His Majestys Subjects within this Province until His Majestys further Pleasure should be known. The necessity of Steadying His Majestys Subjects in a Dutiful Obedience to the Laws and Government also Demanding the same For the Conservation of the Peace and Upholding good Rule and Order.

We have in most humble and Dutiful Manner laid an accompt of our

<sup>1</sup> Council Minutes, February 9, 1714 [-15].

Proceeding before his Sacred Majesty in a Letter to the Right Honourable one of His Majesty's Principal Secretaries of State and crave leave humbly to make your Lordships acquainted therewith, Praying your Lordships favourable Regard to

Right Honourable

Your Lordships  
most Obedient humble Servants

W <sup>m</sup> TAILER	JOSEPH LYNDE AND <sup>r</sup> BELCHER BENJ <sup>A</sup> LYNDE JOHN CLARK ADDINGTON DAVENPORT THO <sup>W</sup> HUTCHINSON	WAIT WINTHROP ELISHA HUTCHINSON SAMUEL SEWALL E <sup>m</sup> HUTCHINSON PENN TOWNSEND JOHN HIGGINSON EDW: BROMFIELD JOHN CUSHING NATH <sup>L</sup> NORDEN
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To the Lords Commissioners  
of the Council for Trade &c<sup>1</sup>

The second indication of weakness was the preparation of a Fast Proclamation.

" A Proclamation for a General Fast to be observed throughout the Province upon Thursday the 31st of March currant, was drawn up, agreed to and *Ordered* that it be printed & dispersed into the parts."<sup>2</sup>

The draught had not been accepted without question, and the form in which the Secretary had first submitted it was subjected to change.

" The President persuaded him to strike out the words about *Establishment of the Government*. Mr. Tailer procured to have the *Prince* particularly mention'd, I prevail'd to have *Rain* Specially inserted, and Gave the Words, which I prepar'd at Noon; carried it to the Press."<sup>3</sup>

Yet this proclamation does not appear to have been published, and in a short time the Council was more intent upon defending its dignity from an anonymous attack than upon a public fast in confession of past misdeeds.

The first notice of this attack is contained in the following entry in Sewall's Diary :—

<sup>1</sup> Massachusetts Archives, LI. p. 271.

<sup>2</sup> Council Minutes, March 2, 1714 [-15].

<sup>3</sup> Diary of Samuel Sewall, III. 41.

"Midweek, March, 16. L<sup>t</sup> Gov<sup>r</sup> comes to me in the morning, shews me Mr. Dudley's case truly stated; 'twas laid at his Steps. Councillors were much surpris'd: p. m. sent for the Printers: before had done examining them, I went away."<sup>1</sup>

In great perturbation the Council took up the task of discovering the perpetrator of this insult. The broadside bore no imprint, and the styles of printing among the different printers were not so distinctive as to make it easy to identify them. This is what the Council did, according to its records:

"A printed Sheet, not signed by any person, entituled the Case of His Excellency the Gov<sup>r</sup> & Council of the Province of the Massachusetts-Bay in New-England, truly stated, which contains reflection on the Governm<sup>t</sup> & tending to the disquietment of His Majesty's Good subjects within this Province, was laid before the Board & Bartholomew Green, James Cummins, Thomas Fleet, Nicholas Boone and John Allen, Printers, being called in & examined whether they know who printed the same, all positively deny it, except Thomas Fleet, who seemed to evade giving any direct answer, whereupon two Justices of the Peace were directed further to examine him.

"After some consideration the s<sup>d</sup> Thomas Fleet came in & acknowledged that he printed the afs<sup>d</sup> Sheet & that M<sup>r</sup> Sam<sup>l</sup> Tyley brought him the copy and asked if he could print two quire by Saturday night, telling him that there was a Ship bound for England & he must have 'em by that time; he told 'em he could not get 'em ready by that time but by Monday night he could; whereupon s<sup>d</sup> Tyley desired him to go with him to Paul Dudley Esq<sup>r</sup> which he did & y<sup>e</sup> s<sup>d</sup> P Dudley agreed with him to print a quire by Monday night, which he did & delivered them to s<sup>d</sup> Tyley, who stood by most of the time they were printing, & desired that there might not be a letter of it exposed, & said Tyley told [tore] the Timpan Sheet in pieces.

"Mr. Tyley being sent for acknowledged that at the desire of Paul Dudley Esq<sup>r</sup> he procured the above mentioned Sheet to be printed, & gave out three of them to M<sup>r</sup> Jonathan Belcher, one to M<sup>r</sup> Giles Dyer, and that he sent some over to Roxbury & had a quantity still by him which the Sheriffe was ordered to take into his custody."<sup>2</sup>

"Mr. Jonathan Belcher being sent for by the Board & asked whether he had any of the Papers lately printed intituled the Case of His Excellency the Governor &c<sup>a</sup> truly stated answered he had had three of them, two he delivered to be put into the bag to go for England the other was by him which he wo<sup>d</sup> bring."<sup>3</sup>

<sup>1</sup> Diary of Samuel Sewall, III. 41.

<sup>2</sup> Council Minutes, March 16, 1714 [-15].

<sup>3</sup> *Ibid.*, March 17, 1714 [-15].



By the HONOURABLE the

# C O U N C I L

Of His Majesties Province of the *Massachusetts-Bay* in *New-England*.

## A DECLARATION.

WHEREAS a Printed Sheet, not Sign'd by any Person, Intituled, *The Case of his Excellency the Governour and Council of the Province of the Massachusetts-Bay in New-England, truly Stated*, was laid before the Board, which contains Reflections on the Government, tending to the Disquietment of His Majesties good Subjects within this Province : Upon Examination of the Printers, *Thomas Fleet* acknowledged that he Printed a Quire of them last *Monday* the Fourteenth Currant, very privately, by the order of *Paul Dudley* Esq; Which we apprehend is very Unseasonably and Inconveniently done, much to the disservice of His Majesty, and this Government.

The First of *February* last past, was much Talk'd of in *Boston*, and other Principal Towns, especially as the Time drew near. Persons of the Civil Order were apprehensive their Commissions would then determine, and they must forbear Acting in their several Places. There was a general Expectation that the Government would then be Devolved on the Council, unless Orders from Our Sovereign Lord King G E O R G E prevented.

Upon these Considerations, about Ten of the Gentlemen of the Council met together at the Council-Chamber upon *Tuesday February* the First, after Noon, to consider, what was Expedient to be done. They agreed to send Four of the Council to *Roxbury*, to wait upon his Excellency the Governour, to inquire whether his Excellency had Receiv'd any Orders from His Majesty. His Excellency's Answer to them was, *I have Receiv'd no Orders*. And his Excellency Expressly declin'd any Discourse relating to the Devolution of the Government. Twas Night before they took leave. When they returned to the Council-Chamber to the Gentlemen there; they agreed to send Expresses, to desire as many of the Members of the Council as were within reach, to Meet at the Council-Chamber upon *Thursday February* the Third. Upon which Day, in the Afternoon, Eighteen Councillours Assembled. And after a thorow Debate, it was Voted that there was now a Devolution of the Government on the Council, according to the Charter. Then the Council sent Four other of their Number to *Roxbury* to wait on his Excellency, and acquaint him with what was done. All this while his Excellency neither came to Town, nor sent any Letter or Message to the Council to signify his own Resolution what he would do.

On *Friday February 4th*, late in the Afternoon, the Council Publish'd their Proclamation of taking the Administration of the Government ; which was speedily Printed, and sent into the several parts of the Province, and was well accepted. Now as this was done with a good Intention for His Majesty's Service, so we apprehend it was proceeded in upon Good Grounds.

That Commissions, made during pleasure, Cease with the Prince that granted them, is a known Maxim in the Law. This was Controll'd by Act of Parliament continuing them for Six Months: These limited Months being Expired, the Commissions are more absolutely and indisputably determin'd, than if there had been no such Parliamentary Continuation. For else the Act had been Vain : and Six Weeks, or Six Days Continuation had been as beneficial and available as Six Months. Even his Excellency himself expres'd a distrust of his own Power in the beginning of *January*, by propounding to the Council to Prorogue the General Court to some time in *May*, to serve for the Election ; intimating that he shoud not give Order for Calling an Assembly, after the Six Months were out.

In these Circumstances there was no Necessity of a positive Order to displace the Governour; his Excellency not being Commissioned by Our Sovereign Lord King G E O R G E, his Government fell; and His Majesty's Council very Dutifully took it up, and by the Help and Blessing of GOD Reslove to Hold it, until His Majesty's further Pleasure be known; according to the Solemn Oath taken by them at their Entrance thereto. And whosoever shall go about to amuse the People by Calling their Authority into Question, shall be look'd upon as Enemies to His Majesty, and disturbers of the Publick Peace ; and must expect to be Prosecuted accordingly.

Given at the Council Chamber in *Boston*, upon *Friday* the Eighteenth Day of *March*, 1714. In the First Year of the Reign of Our Sovereign Lord, G E O R G E, by the Grace of GOD of Great Britain, France and Ireland KING, Defender of the Faith, &c.

William Tailer

Edward Bromfield

Wait Winthrop  
Elisha Hutchinson

Nathanael Norden

Samuel Sewall

Benjamin Lynde

John Phillips

John Clark

Joseph Lynde

Addington Davenport

Eliakim Hutchinson

Thomas Hutchinson.

Penn Townfend

Andrew Belcher

# GOD Save the King.

"A Declaration, relating to a Printed Sheet not signed by any person intituled the Case of His Excellency the Governour & Council of the Province of the Massachusetts-Bay in New England truly stated, laid before the Board the 16<sup>th</sup> Currant, was drawn up, read agreed to & ordered to be printed."<sup>1</sup>

The rule of the Council was a short one. For on March 19 Governor Dudley received by way of New York the King's Proclamation for the continuing of officers in the Plantations which gave color to the position taken by the Council, but placed Dudley again in authority. The Proclamation was as follows: —

By the King,  
a Proclamation.

Declaring His Majesty's Pleasure for Continuing the Officers in His Majesty's Plantations, till His Majesty's Pleasure shall be further Declared.

George R.

*W*Hereas by an Act of Parliament made in the Sixth Year of the Reign of the late Queen ANNE, Our most Dear Sister, Intituled, An Act for the Security of Her Majesty's Person and Government, and of the Successions to the Crown of Great Britain in the Protestant Line. It was Enacted amongst other things, That no Office, Place, or Employment, Civil or Military, within any of Her said late Majesty's Plantations should become Void, by reason of the Demise or Death of Her said late Majesty, but that the Person and Persons in any of the said Offices, Places and Employments should continue in the respective Offices, Places and Employments for the space of Six Months next after such Death or Demise, unless sooner Removed and Discharged by Us; and in regard it may happen, that Our Pleasure may not within the said time be Declared touching the said Offices, which will at the end of the said Six Months, become Void: We for the Preventing the Inconveniences that may happen hereby in our Princely Wisdom and Care of the State (reserving to Our Judgment hereafter the Reformation and Redress of any Abuses of Misgovernement, upon due Knowledge and Examination thereof) are Pleased, and do hereby Order, Signifie and Declare, That all Persons that, at the time of the Decease of Her said late Majesty, were Duly and Lawfully Possessed of or Invested in any Office, Place or Employment, Civil or Military in any of Our Plantations, and which have not been since Removed from such their Offices, Places or Employments, shall be and shall hold themselves continued in

<sup>1</sup> Council Minutes, March 19, 1714 [-15]. The two documents are appended to this article.

*the said Offices, Places or Employments, as formerly they held and enjoyed the same, until Our Pleasure be further known, or that some other Provision be made pursuant to Her late Majesty's Commissions and Instructions to Her Governours and Officers of the Plantations aforesaid. And that in the mean time for the Preservation of the Peace and necessary Proceedings in Matters of Justice, and for the Safety and Service of the State, all the said Persons of whatsoever Degree or Condition, do not fail every one severally, according to his Place, Office or Charge to proceed in the Performance and Execution of all Duties thereunto belonging, as formerly appertained unto them while the late Queen was Living. And further we do hereby Will and Command all and singular Our Subjects in the said Plantations, of what Estate or Degree they or any of them be, to be Aiding, Helping and Assisting, at the Commandments of the said Officers in the Performance and Execution of the said Offices and Places as they tender Our Displeasure, and will answer for the contrary at their utmost Perils.*

Given at Our Court at St James's the Two and Twentieth Day of November, 1714. In the First Year of Our Reign.

GOD Save the KING.<sup>1</sup>

No time was lost by the Governor, and one of his first acts was by means of his son to instruct the clergymen how to word their prayers. He also seems to have suppressed the proclamation for a fast as prepared by the Council, and made one of his own.

"March, 20,<sup>2</sup> Lt Gov<sup>r</sup> comes to my house, shews me the printed Copy from the London Gazette in Gov<sup>r</sup> Hunter's hand at New-York. It seems Mr. Paul Dudley bestirr'd himself to have his Father pray'd for as Gov<sup>r</sup> and that the Order for the Fast might not be read. Mr. Pemberton Spake to me as [he] went by the foreseat in the morning. I spake against it as I could so on a sudden surprise, mention'd the Exception, or provision be made. Mr. Sewall pray'd as formerly. Mr. Pemberton ask'd if I had read it, I said yes: Said he should have seen it! At Noon I carried it to him borrowed of Mr. Newton: He had it of Mr. Cambbell<sup>3</sup> before, was reading it; Said he was amaz'd I should speak as I did; twas as far from it as East from West; New-England, he fear'd, would pay dear for being Fond of Government. I say'd unless he knew those that were Fond of Government he did ill so to censure. Said I came only to give him a sight of the Proclamation, he might use his Freedom. He thank'd me and I went away.

<sup>1</sup> This Proclamation was printed in the Boston News-Letter, March 21-28, 1715.

<sup>2</sup> Sunday.

<sup>3</sup> John Campbell, Postmaster and publisher of the Boston News-Letter.

"P. m. Mr. Pemberton acquainted the Congregation that he had received an Order for a Fast from Civil Authority, he had it not with him, Spake of reading it next Lord's Day. He never said a word that I know of, though the President and Three other of the Council were of his Church, and before him: he saw not fit to advise with them. Prayed for those that were or might be called to the Government. A little before night Mr. Paul Dudley, and Mr. W<sup>m</sup> Duñer come to my house; call to Speak with me. Mr. Dudley acquaints me that the Gov<sup>r</sup> intended to be here in Town about Eleven a-clock to publish the proclamation, that I might be there; said would goe to every one of the Council. I said, but is this sufficient, meaning the Copy. His eyes Sparkled, Said he had no orders to dispute, there had been great Friendship between him and me. I said I had done nothing to forfeit it. As was going out said his Father would come to Town with two Troops of Horse.

"In the evening most, or all of the Councillors in Town met at the Chief Justices. I ask'd whether, *Or other provision be made*— did keep the Council in the Government? All seemed to express themselves satisfied that their Fatigue was almost over. Capt. [Andrew] Belchar said he would hinder the coming of the Troops."<sup>1</sup>

The Council Minutes thus described the first meeting under the reinstated Governor:—

"His Excellency communicated to the Council a Proclamation by the King for continuing of all officers civil & military in being at the time of the demise of the late Queen, in their respective offices places & employments till further order which was first read in the Council Chamber a great number of the principal Gentlemen of the Country being present and then His Excellency the Governour, the Lieutenant Governour & Council removing into the Balcony of the Council Chamber the same was again read there the Governours Guard & three other Troops of Horse of Suffolk & Middlesex & a great concourse of people attending immediately after ending the Proclamation the People gave three Huzzas, the Troops discharged three volleys & the Cannon at His Majesty's Castle William, at the Town Batterie & on board His Majestys Ships Pheenix were also discharged."<sup>2</sup>

Thus the fatigued Council laid down its self-assumed responsibilities, and the account in the News-Letter of this day's doings plainly and without doubt truthfully intimates that the people were only too glad to acquiesce. The pageantry of assumption of power was decently performed.

<sup>1</sup> Diary of Samuel Sewall, III. 42, 43.

<sup>2</sup> Council Minutes, March 21, 1714 [-15].

"On Monday Morning the 21st, He [Dudley] came to Boston attended with the Troop of Guards, and Three other Troops of Horse, and was received at the Town-House by the Gentlemen of His Majesty's Council, the Commission Officers of the Militia in Boston, and a great Number of other Officers, Gentlemen, and Merchants, and about Noon His Majesty's Proclamation was Published with great Acclamations of Joy, and to the great Quiet and Satisfaction of His Majesty's Government and People of this Province."<sup>1</sup>

"Monday, March 21. Gov<sup>r</sup> comes to Town with Four Troops instead of two. Twelve of the Council were there at the proclamation. I was not there, I used to be with Mr. Addington; and was griev'd at the forbidding to read the Fast; *i. e.* Mr. P. Dudley writ to the Ministers to pray for his father, and not to read the Order for the Fast. I knew nothing of the Fast, till Mr. Pemberton declin'd reading it. Dr. [Cotton] Mather, Mr. [Thomas] Bridge, Mr. [John] Webb read it; Mr. Pemberton and [Benjamin] Coleman did not. Dr. C. Mather said it was sign'd by the hon'ble Wait Winthrop esqr. the president of the Council and 17. more of the Council, and Countersign'd &c."<sup>2</sup>

The devolution of government, incident to the death of Queen Anne, was now completed, and this chapter of Council intrigue and rule was closed. The Council was too large a body to make an executive. It was inefficient because irresponsible, and among so many able men the diversity of opinion was too great to result in simple and direct action. Its slow maturing of the letter to the Board of Trade, its hesitation over the fast proclamation, and its manifest difficulty in agreeing upon civil officers, point to the inherent weakness of committee government.

In the Chamberlain Manuscripts (Cham. E. 11. 20) now in the Public Library of the City of Boston I find the following letter or message from John Usher, Lieutenant-Governor of New Hampshire, to the Council of that Province. I have included the whole paper because of its ejaculatory style, although only the first paragraphs relate to the subject of this essay.

<sup>1</sup> Boston News-Letter, March 21-28, 1715.

<sup>2</sup> Diary of Samuel Sewall, III. 43.

"Friday, March 25. Mr. B. Lynde and I take the Hackney Coach and wait on the Gov<sup>r</sup>. I wish his Excellency good success in his Return to the exercise of his Government. . . . entertain'd us very pleasantly, came with us to the Gate." — Diary of Samuel Sewall, III. 44.

PORTSMOUTH, 7 Febr 1714/5.

**GENT<sup>X</sup> IN COUNCILL**

At all times so on this extraordinary occasion for his Majesties Service by direction from his Excellency for publishing a proclamation requiring all ps ons in office of Authority or Govern<sup>n</sup> Civill or military to proceed in execution of their offices, w<sup>ch</sup> by you Gentlemen Councill readily Concurred, published as directed, that none may pretend Ignorance at their perill.

Notwithstanding Severity weather & danger as to my health fearing some Inconveniency by reason of his Excellency & my absence out of Governm<sup>t</sup> might happen came to act that w<sup>ch</sup> judge might be proper bringing my Comission w<sup>th</sup> me, have found all due regard unto proclam<sup>mt</sup> while my stay here.

By reason of my absence from home my Concerns suffer this day God willing design returning thither.

Pursuant to his Excellencys proclamation (on my leaving Governm<sup>t</sup>) all ps ons are to proceed in Execution of their offices, if meet w<sup>th</sup> opposition must proceed according to law, w<sup>ch</sup> is to be Attended, in case of any difficulty must apply to Councill for advice & direction, y<sup>e</sup> Councill at all times give Acc<sup>nt</sup> of their proceedings by Express to his Excellency for direction & orders upon due application att all times readily act what proper.

In case of his Excellency or my absence any disturbance happen you every day are to sett for preservation peace & sheriff attend you.

Now taking my leave of you, acquaint you I find paid W<sup>m</sup> Partridge Fifeteen pounds, for comeing from Boston to Hampton Geo Vaughans going to Boston to pay his debt to Gen<sup>l</sup> Nicholson ten pounds as on file.

In Aug<sup>st</sup> last Laid before this board, five times in province rec<sup>d</sup> not one penny, nor find any care taken therein, when come into province for man & horse having paid thirty shillings a time, being for fear of any ill Accident may happen to me.

Find on file above three thousand pounds paid not for service of Governm<sup>t</sup>, & my Comeing into province for service of Government, Leave to judge what respect to Crown Commission shewn.

Rideing now day & night by Severity of weather when lighted of my horse att Hampton could neither go nor stand, do recommend to this board, due allowance for my charges &c<sup>a</sup> as invested w<sup>th</sup> Crowns comission.

JN<sup>o</sup> USHER<sup>1</sup>

<sup>1</sup> The action of New Hampshire during the six months following the death of the Queen is given in Documents and Records relating to the Province of New Hampshire, I. 682 *et seq.*

The  
C A S E

Of His Excellency the GOVERNOUR and Council of the Province of the Massachusetts-Bay in New-England, truly stated.

THE late King *William* and Queen *Mary*, the Seventh of *October*, in the Third Year of Their Reign, Grant Their Royal *Charter*, Instituting and Establishing a Governour, Lieutenant-Governour, Secretary, and twenty-eight Councillors or Assistants, Directing a Great and General Court or Assembly to be held Annually, &c. with certain Powers, Privileges, &c. therein more at Large contained. Reserving always to the Crown of *Great Britain*, the full Power of nominating and appointing the Governour, Lieutenant-Governour and Secretary of the said Province. And towards the End of the said *Charter*, there is this clause, upon which the great Question depends.

' We do by these Presents, for Us, Our Heirs and Successors, ' constitute and Ordain, That when and as often as the Governour and ' Lieutenant or Deputy-Governour of Our said Province or Territory ' for the time being, shall happen to Dye, or be Displaced by Us, Our ' Heirs or Successors, or be Absent from our said Province, and that ' there shall be no Person within the said Province, Commissionated ' by Us, Our Heirs or Successors, to be Governour within the same; ' Then and in every of the said Cases, the Council or Assistants of Our ' said Province, shall have full Power and Authority, and We do hereby ' Give and Grant unto the said Council or Assistants of Our said ' Province for the time being, or the Major Part of them, full Power ' and Authority, to Do and Execute all and every such Acts, Matters ' and Things which the said Governour, or Lieutenant or Deputy ' Governour of Our said Province or Territory for the time being, might ' or could Lawfully Do or Exercise, if they, or either of them were ' personally Present, until the Return of the Governour, or Lieutenant ' or Deputy Governour so Absent, or Arrival or Constitution of such ' other Governour, or Lieutenant or Deputy Governour, as shall and ' may be appointed by Us, Our Heirs and Successors from time to ' time.

In *June*, 1702, agreeable to the said *Charter*, and the Royal Powers therein Reserved to the Crown, His Excellency *Joseph Dudley*, Esq; brought over Her late Majesty's Commission for the Government of the said Province, and continued therein during the whole time of Her said Majesty's Reign, and afterwards.

About the middle of *September*; 1714. the News of the Queen's Death came to *New-England*; and on the 22d Day of the said Month, His Majesty King *George* was Proclaimed: The same Day the Governour, Lieutenant-Governour, Council, and many of the Officers and Gentle-

men took the several Oaths appointed by Act of Parliament, subscribed the Declaration, &c.

On the Seventh Day of *October*, the Proclamation of the *Lords Justices*, founded upon the Act of Parliament for the Continuation of Officers, and directing them to take the Oaths &c. appointed, arrived at *Boston*, and on the 27th of the said Month, His Excellency the Governour, with the Advice of the Council, issued out a Proclamation, Requiring all Persons, being in Office of Authority or Government at the Decease of the late Queen, to proceed in the Execution of their respective Offices.

On the 13th of *November*, the Governour, by an Express Pacquet from Their Excellencies the *Lords Justices*, received their Excellencies Commands, with Letters and Commands also from the Right Honourable the *Board of Trade*, and Letters from the Secretary's Office, severally Importing Her late Majesty's Death, and the Continuation of all officers &c. After which, the General Assembly of this Province, Sat and passed several Orders or Acts, and were Dissolved; and Writs issued out for a New Assembly in His Majesty's Name; as being judged an Indication of their Loyalty and good Affection to His Majesty's Person and Government, to have the Assembly Convened by Writs issued in His Majesty's Name, the last Assembly having been called in the late Queen's Name: And by the Advice of His Majesty's Council, Prorogued from time to time, in hopes of the Arrival of His Majesty's Commands, till they were Dissolved, it not being judged proper to meet and do any Business until His Majesty's Orders should Arrive; So that during all that time, viz. from the 22d of *September*, to the 1st of *February*, His Excellency the Governour Administered and Exercised the Government in His Majesty's Name, to all Intents and Purposes possible in the Law: But on the 1st of *February* His Majesty's Council, of and for the said Province, of their own Accord, Assembled themselves at the *Council Chamber* in *Boston*, and took the Government upon them, Published a Proclamation by beat of Drum, &c.

*The Proclamation is as follows, viz:*

By the Honourable the Council of His Majesty's Province of the *Massachusetts-Bay in New-England*.

A Proclamation.

'*W*hereas in the Royal Charter Granted by King William and Queen Mary, for Incorporating Their Subjects of the Colonies. ' Enumerated in the said Charter, into One Real Province, by the Name ' of the Province of the Massachusetts-Bay in New-England; Provision ' is made for the Devolution of the Government upon the Council, in ' these Words, That is to say; And We do by these Presents for ' Use, &c.  
' and so reciting the Clause in the Charter before mentioned,

‘ An whereas the Six Months from the Demise of Her late Majesty Queen *Anne*, Limited by the Parliament of *Great Britain*, for continuing Civil and Military Officers in their respective Offices, Places and Employments; Expired the first Day of this instant *February*; And Whereas by reason that there is no Person within the said Province, Commissionated by our Sovereign Lord King *GEORGE*, to be Governour within the same; the Government is now devolved upon the Council, and they are obliged to undertake the Administration thereof, in Obedience to the Constitution of the said *Charter*, and for the Welfare and Safety of His Majesty’s Subjects within this Province, until His Majesty’s further Pleasure be known,

‘ Pursuant therefore unto the Power and Authority to Us Granted as aforesaid, We have thought fit and necessary, to Issue and Publish this Proclamation; And we do in His Majesty’s Name, Require all Officers Civil and Military within this Province, that have Qualified themselves by taking the Oaths, Appointed by the aforesaid Act of Parliament, to attend the Duty, and Use and Exercise the Powers and Authorities to their respective Offices, Places and Employments belonging, until further Order. And all His Majesty’s loving Subjects are Required, in His Majesty’s behalf, to be Aiding, Helping and Assisting, at the Commandment of the said Officers, in the Discharge of the Duty of their respective Places and Employments, as they, and every of them, tender His Majesty’s Displeasure, and will answer their neglect at their Peril.

‘ Given at the Council Chamber in *Boston*, the Fourth Day of *February*, in the First Year of the Reign of our Sovereign Lord, *GEORGE*, by the Grace of GOD, of *Great Britain, France and Ireland*, KING, Defender of the Faith, &c. *Annoque Domini, 1714.*

By order of the Council,  
**Issac Addington, Sec<sup>r</sup>**

*William Tailer*

<i>Edward Bromfield</i>	<i>Wait Winthrop</i>
<i>Samuel Appleton</i>	<i>Elisha Hutchinson</i>
<i>Isaac Winslow</i>	<i>Samuel Sewall</i>
<i>Benjamin Lynde</i>	<i>Joseph Lynd</i>
<i>John Clark</i>	<i>Eliakim Hutchinson</i>
<i>Adington Davenport</i>	<i>Penn Townsend</i>
<i>Thomas Hutchinson</i>	<i>John Appleton</i>
	<i>John Higginson</i>
	<i>Andrew Belcher</i>

GOD Save the King.

After this, the Council proceeded to Grant out New Commissions to Judges, Justices, Sheriffs, &c.

From these Facts thus Stated, the great Question arises, *viz.* In whom the Government of the Province of the Massachusetts-Bay was Vested, and who ought to Administer the same, from and after the said

first of *February*, whether the Governour and Council, as in the *Charter*, or the Council without the Governour?

On the Governour's Part, it is alledged, That the Council, by the Constitution of the said *Charter*, cannot take the Government upon them, in any other Case, but those that are expresly Put and Mentioned in the said *Charter*; for the Words are, "Then, and in every of the said Cases." Now on the said first Day of *February*, there was both a Governour and Lieutenant-Governour within the said Province Commissionated by Her late Majesty, and neither of them Displaced or Superceded by His present Majesty. And as the Words, so the Meaning of the *Charter*, seems to be very Plain, That the Power and Authority of the Governour or Lieutenant-Governour being once well Granted, were never to Cease, and Devolve on the Council, unless the said Governour and Lieutenant-Governour were both, either Dead, out of the Province, or Displaced: For as to the Clause, "And there be no Person within the said Province Commissionated by Us" &c. it will come under Consideration more properly hereafter.

Again it is agreed by every one, That in those Provinces or Governments that have no *Charters* to Distinguish them, the late Queen's Governours continue in the Administration of their respective Governments, until Orders arrive from His Majesty. As in the Province of *New Hampshire* by their Proclamation, humbly waiting for His Majesty's Commands, altho' the six Months are Expired. And tho' the *Charter* of the *Massachusetts* be taken Notice of in the Governour's Commission, and the Rule for his Administration of the Government; yet his Power and Authority as Governour no ways depends upon the *Charter*, but is wholly derived from the Crown: And therefore, as to his Commission, he stands on the same Level with other Governours in the Plantations, and equally Included within the Act of Parliament for continuing Civil Officers six Months &c, as the Council themselves by their Proclamation concede.

Besides upon the Demise of the Queen, and the Accession of the King, the Governours of the several Plantations, altho' they received their Commissions from the late Queen, yet upon their taking the Oaths of Allegience, &c. to the King, become Governours for and under His Majesty, and Administer the Government accordingly in the King's Name, and are properly in the Understanding of the Law, His Majesty's Governours as effectually, as tho' they had received New Commissions from His Majesty, until they are Removed or Displaced by His Majesty.

Furthermore: Even the Acts of Parliament of the first, 4th 5th and 6th of the late Queen, seem rather to be in Favour of the Governour, than otherwise; for the Clause runs thus, "No Patent or Grant of any Civil or Military Offices and Employments, (extending

to *America*,) hereafter to be made, shall be void by the Demise of Her Majesty, or any Her Heirs or Successors; but shall continue in force for six Months next after such Demise, unless made void by the next and immediate Successor to whom the Crown is limited."

Now first, there are no Negative Words in the Limitation; 'Tis not said, *And no longer*. When in the same Act of Parliament, the Clause referring to be the sitting of the Parliament of *Great Britain*, the Words are, *To sit six Months and no longer*. After which comes the Clause referring to Civil Officers, That *they shall continue six Months*, but does not say, *and no longer*. Which seems to Argue, the meaning of the Law-makers, to be that in case (as it might happen) His Majesty's Commission or Orders should not arrive within the six Months. (His Majesty being out of the Kingdom at the time of the Queen's Demise, and the Dominions in *America* being at a great Distance) Yet such as had Patents and Grants for Civil Offices and Employments from the late Queen, should continue to Hold and Exercise them, until Superceded or made Void by the Successor. Which last Words, *viz. Unless made Void or Superceded by the Successor*, seem to Import, That nothing less than an Act of the Successor shall Determine and make Void the Patents and Grants of Civil and Military Offices from the late Queen, and that no length of time, of itself, shall make them Null or of no Effect.

And then add to this, That the Council themselves allow the Secretary's Commission to be Good, even after the first of *February*, and assign as a Reason, that he was Appointed Secretary for this Province, in and by the *Charter*; by Virtue whereof, he was to continue in the said Office and Place, until the Nomination and Appointment of another, by their said Majesty's King *William* and Queen *Mary*, their Heirs or Successors. And so would Graft his Commission upon the *Charter*. To this it is Reply'd, That the Commission of Secretary for this Province, is no ways Derived from the *Charter*, but purely and wholly from the Crown of *Great Britain*, in the same Manner that the Commission of Governour and Lieutenant Governour for this Province is: And the Naming of him in the *Charter* cannot alter the Nature of his Commission, and could be of no other Service, than to save the Charge of a Separate Commission.

The Words, that Constitute the Secretary run thus: "And we do further by these Presents, Constitute and Appoint, Our Trusty and Well-beloved *Isaac Addington*, Esq; to be Our first and present Secretary of Our said Province, during Our Pleasure. And afterwards in another Clause, "We do hereby Reserve full Power and Authority to Us, Our Heirs and Successors, to Nominate and Appoint, the Governour, Lieutenant-Governour, and Secretary of Our said Province: So that nothing can be more Plain from the Words

of the *Charter*, than that as the Powers, Grants, or Commissions of the Governour, Lieutenant-Governour and of this Province, are all Derived from the same Fountain, they must and will have the same Course; and as they all depend upon the PLEASURE of the Sovereign, so if the Act of Parliament before mentioned, determined the One, it must determine the Other likewise, et *Vice Versa*.

### On the Part of the Council

It is Urged and Insisted on :

That the six Months from the Demise of Her late Majesty, Limited by the Parliament of *Great Britain*, for Continuing Civil and Military Officers in their respective Offices, &c. Expired the first of *February*; with which time the Commissions Granted by Her late Majesty, to the Governour and Lieutenant-Governour of this Province, absolutely Fell and became Void; so that they were no longer Governour and Lieutenant-Governour of this Province, and then of Course, and by Virtue of the *Charter*, the Government of the Province Devolved upon the Council.

Now it must be Granted, That if the Commissions of the Governour and Lieuteuant-Governour of this Province, and the Powers therein given to them, died and absolutely came to an End with the six Months; then the Council were Obliged, and very much in the Right to take upon them the Government: But this is begging the Question; For the great Point in Dispute is, Whether Commissions from the Crown, for the several Goverments abroad, shall not continue till Superceded or made Void by some Act of the Sovereign; the Act of Parliament leaving the Matter undetermined?

But then the main Point the Council insist on from the *Charter* is, That on the first of *February* there was no Person within the said Province Commissioned by King *GEORGE* to be Governour within the same; therefore they take upon them the Government, &c.

Now it ought to be well Considered, Whether there are Premisses in the *Charter*, sufficient to bear or allow this Conclusion of the Council, for the Words are as before cited at large, That when and so often as the Governour, &c. And that there shall be no Person within the said Province, Commissionated by *Us, Our Heirs and Successors*, to be Governour within the same. So that the Foundation which the Council go upon in their Proclamation, *viz.* That there is no Person Commissioned by His present Majesty, seems to be a Basis of their own making, and not contained in the *Charter*; For the Matter stands thus: The *Charter* was granted by the late King *William* and Queen *Mary*, His Excellency the Governour had His Commission from the late Queen *Anne*, who Succeeded King *William*; so that it could not be properly said, on the first of *February*, That there was no Person within this

Province, Commissioned from King *William* and Queen *Mary*, their *Heirs or Successors*, to be Governour of this Province. For as to the Objection of the late Queen's Commission to him being Determined, that has come under Consideration before; and the Words of the *Charter* are not as the Proclamation of the Council would Intimate: And that there be no Person Commissioned by Us, Our Heirs or Successors, *for the time being*, to be Governour, &c. And the Truth of it is, One would imagine, by the Proclamation, that by the Constitution of the *Charter*, the Council had the Power of the Government in all Cases, unless there was a Person within the Province, that could produce a Commission from the Sovereign actually on the Throne, which are neither the Words nor the Meaning of the *Charter*; For that Additional concluding Clause, *And that there be no Person within the said Province, Commissioned*, &c. seems to be Inserted, not in Favour of the Council, but as a further Limitation and Restraint upon their Power, *viz.* In case there were any Dormant Commission, (as they are commonly stiled) with any other Person for this Government. And if Implication or Argument would Determine the Business either way, might it not be with more Law and Reason said, that His Excellency the Governour is Commissionated by His Majesty, having taken the Oaths appointed by Act of Parliament, and Administred the Government all along in His Majesty's Name, as before observed; for from the 22d of *September*, he could not possibly be the late Queen's, but His present Majesty's Governour; and therefore as such, ought to continue, until he be Superseded, or his Commission made Void by His Majesty. For if it be acknowledged that His Excellency has been the King's Governour, who or what shall pretend to Supercede or Displace him, but His Majesty's Pleasure?

This Case, as it concerns the Constitution of this Government by their *Charter*, the Peace and good Government of His Majesty's People, but most of all, the Prerogative of the Crown; The Resolution thereof, is in all Humble Manner, submitted to, and waited for, from His Most Excellent Majesty.

MR. NATHANIEL PINE communicated the following letter from Dr. Craik, the friend and physician of Washington, to Dr. Craigie, of Cambridge. Dr. Craik had been deputed to visit Comte de Rochambeau, then recently arrived in Rhode Island, and to establish hospitals for the French army, and on his return wrote this letter to Dr. Craigie, the Apothecary General of the army.

[August, 1780.]

MY DEAR FRIEND, — A few days ago I return'd from the eastward after having been absent from the army upwards of two months.

After much fatigue & difficulty I accomplished the bussiness much to the satisfaction of the French & His Excellency General Washington, which you may be sure was no small pleasure to me. I visited Boston and was agreeably entertained by the gentlemen there and by none more so than by your worthy brother who shewed me every mark of politeness & hospitality. I left he and his family & your mother in perfect health ; they long much to see you & complain of your seldom writing. Since I came to the army I have been much chagrined. Nothing but confusion & perplexity prevails thro every department, and notwithstanding the appearance of a large army, our affairs, I think, are in a more critical situation than ever. Ignorance or willfull villainy in our councils will anihilate our army if the steddyness of one great man does not save us. C——s seems to be determined to drive the army to despair, and what will be the consequence God of Heaven knows. As soon as the active part of the campaign is over I propose returning home and quiting a service that appears dissgracefull to continue in. When the wants of the sick & wounded are neglected it is full time for every man of feelings (when he cannot remedy it) to quit. There is a large army without stores, surgeons or any thing comfortable for the sick & wounded ; should we come to action what must be the disgrace what must be the ileberal reflections thrown on our departments, even tho it is not in our power to help it. I have mentioned the circumstance to His Excellency but he says he has done every thing in his power to remidie it ; and can do no more. The willfull neglect of the Medical Department by those in power have given such general discontent that it is with great deficuity that a regimental surgeon can be kept from resigning, even tho it is in the middle of the campaign. As I intend returning as soon as the campaign will permit I shall have to settle my acco<sup>ts</sup> with Doct<sup>r</sup> Potts and wish not to be detained on that acco<sup>t</sup>; it will be very inconvenient for me to go to Reading. I wish he would order Bond to do it if he should not be in Philadelphia himself. It will oblige me if you will get him to send me a state of what my share of the Jay came to. If you will please to ask M<sup>r</sup> Riezburg what his share came to, I am informed he had the same share with me. Have you heard from our friend Campbell ; he has been very neglectfull of his old acquaintances never to write them a line. I have heard the Pensilvania militia are on their way up, if so I suppose Doc<sup>r</sup> Hutchinson will be with them, and probably Jamie, which has prevented me writing him untill I hear from you. If Jamie is still in Philadelphia desire him to write me. I find you have not sent up the medicine chest I desired you, pray have one fitted up & fully supplyed and sent on immediatly directed to me at head quarters, as I have no medicines to administer on any occasion. If you have any very good lancets send half a dozen, and

if you have got a sett of good pockett instruments send them also. We have nothing particular in the news way. The Second Division of the French Army is not yet arrived. When ever they do, I suppose we shall attempt something, and wish us to be prepared as well as possible. Remember me kindly to my worthy friend Capt<sup>a</sup> Morris, & all my other friends. Write me often, and believe me very sincerely, dear Cragie,

Your most aff<sup>e</sup> hum<sup>e</sup> Ser<sup>t</sup>

JA<sup>s</sup>. CRAIK.

[Addressed] Andrew Cragie Esq<sup>r</sup>

Apy Gen<sup>l</sup>

Express. Philadelphia.

Remarks were also made during the meeting by the PRESIDENT and Messrs. JAMES B. THAYER, WILLIAM R. THAYER, ARCHIBALD C. COOLIDGE, GEORGE B. CHASE, and EDWARD E. HALE.